

## REMARKS

Claim 9 is currently pending. Claims 1-8, 10, and 11 are withdrawn from consideration. The following remarks are considered by Applicants to overcome each objection/rejection raised in the Office Action and to place the application in condition for allowance. Accordingly, Applicant requests reconsideration of claim 9.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dixon (U.S. Patent No. 5,192,980) in view of Stafford (U.S. Patent 5,504,575). The Examiner takes the position that the combination of Dixon and Stafford teach or suggest all the features recited in claim 9. Applicants respectfully disagree.

Dixon discloses a scanning optical microscope or mapping system for spectrally-resolved measurement of light reflected emitted or scattered from a specimen, in which the spectrally-resolving element is integrated into the detection arm of the microscope or mapping system to result in good photon collection efficiency as well as good spectral spatial resolution.

Stafford is directed to an SLM spectrometer having an entrance slit and/or a collimator to provide parallel rays of radiation to a prism, grating, or any other type of wavelength dispersing element which disperses the radiation incident into a spectrum of wavelengths of various orders. Stafford further discloses a dispersing element 16 for dispersing the parallel beam 14 into a dispersed, linear wavelength spectrum 18 of various orders.

It is respectfully submitted that the combination of Dixon and Stafford fail to teach or suggest all the features recited in claim 9. In particular, it is submitted that the cited references fail to teach or suggest a micro-mirror arrangement operable to switch selected wavelengths of dispersed detection beam. Although Dixon discloses a scanning optical microscope, Dixon fails to teach or suggest the micro-mirror arrangement as recited in claim 9, which is admitted in the Office Action. It is

respectfully submitted that Stafford does not cure this deficiency.

The micro-mirror arrangement of Stafford is not provided for use in optical microscopes. The arrangement is provided for spectrometers. Moreover, the arrangement of the Stafford discloses SLM spectrometer 6 employing a conventional prism as its dispersing element 44 to disperse the incident parallel radiation beam into a dispersed, linear wavelength spectrum of various orders, where wavelength is determined by position within the linear range of the spectrum output from the prism. The dispersed wavelength spectrum from the prism is made to fall upon a spatial light modulator (SLM) 46, which is preferably a deformable mirror device (DMD). As a result, the micro-mirrors are rotated to eliminate the overall mechanical motion produced by conventional rotating prisms and/or rotating gratings. The micro-mirrors are rotated to pre-selected angles.

In contrast to this arrangement, the claimed invention provides a micro-mirror arrangement operable to switch selected wavelengths of the dispersed detection beam. More specifically, the micro-mirrors are arranged so that they can only be switched between two positions. (See Figures 3a and 3b). Since the claimed micro-mirror arrangement is provided so it can be switched between two positions rather than multiple pre-selected angles, Applicants submit that the arrangement of the micro-mirrors of the claimed invention is neither taught nor suggested by Stafford.

Moreover, Applicants submit that only in hindsight is it possible to combine the teachings of Stafford with Dixon. There is no motivation to combine the arrangement of Stafford with that of Dixon. That is, one skilled in the art would not modify the arrangement of a spectrometer with that of a laser scanning microscope to achieve the benefits provided by the claimed invention.

In view of the above comments, it is submitted that the cited references fail to teach or suggest a laser scanning microscope having a micro-mirror arrangement operable to switch selected wavelengths of the dispersed detection beam. In view of this distinction, Applicants request the withdrawal of the rejection of claim 9.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grober (U.S. Patent No.

5,473,157) in view of Stafford (U.S. Patent No. 5,550,575). The Examiner takes the position that Grober and Stafford teach or suggest all the features recited in claim 9. Applicants respectfully disagree.

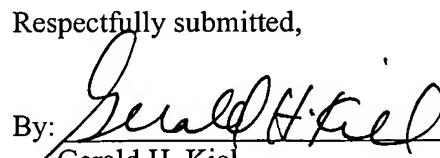
Grober is directed to an apparatus for optically imaging surfaces at low temperatures using scanning microscopes. Although, Grober discloses the use of laser scanning microscopes, it is respectfully submitted that the combination of Grober and Stafford fail to teach or suggest all the features recited in claim 9. Specifically the cited references fail to teach or suggest a micro-mirror arrangement operable to switch selected wavelengths of dispersed detection beam.

As mentioned in the discussion above, the arrangement of Stafford is not the same as the micro-mirror arrangement provided in the claimed invention. Therefore, it is respectfully submitted that the combination of Grober and Stafford fail to teach or suggest all the features recited in claim 9. Accordingly, Applicants request the withdrawal of the rejection of claim 9.

In view of the above remarks, it is respectfully submitted that claim 9 recites patentable subject matter. Therefore, Applicants request the reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance is respectfully requested.

Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,

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